

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-20152 - APPLICANT: DIAMOND SPRINGS LLC -
OWNER: FIRST SOUTHERN BAPTIST CHURCH**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0-1/d vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-20151) and Site Development Plan Review (SDR-20149) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance to allow a 35 foot high office building to be 15 feet from residential property where Residential Adjacency Setback standards require 105 feet on property located on the east side of 6th Street, 335 feet south of St. Louis Avenue. The additional setback distance stems from an approximate 3-foot difference in grade from the affected residential property.

This application is accompanied with requests for a General Plan Amendment (GPA-20150), Rezoning (ZON-20151), and Site Plan Development Review (SDR-20149) and will be heard concurrently.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/05/58	The Board of Commissioners for the City of Las Vegas approved a Use Permit (U-0001-58) to construct, maintain, and use a church on property located at the southeast corner of 6 th Street and St. Louis Avenue.
08/29/75	The Board of Zoning Adjustment approved a Use Permit (U-0056-75) to allow the operation of a child care nursery, a pre-school, and to conduct educational programs on property located at 700 E. St. Louis Avenue.
06/23/92	The City Council approved the reclassification of property (Z-0024-92) located at 700 East St. Louis Avenue from R-1 (Single Family Residential) zoning to C-V (Civic) zoning for the remodel and expansion of an existing church.
04/12/07	The Planning Commission recommended approval of companion items GPA-20150; ZON-20151 and SDR-20149 concurrently with this application. The Planning Commission voted 5-0-1/ld to recommend APPROVAL (PC Agenda Item #46/mh).
<i>Related Building Permits/Business Licenses</i>	
Month/date/year	Description
NA	NA
<i>Pre-Application Meeting</i>	
02/09/07	A Pre-application meeting was held with staff concerning the requirements to develop a vacant parcel associated with an existing church into an 11,100 SF professional office building. The applicant was informed of the requirements of a General Plan Amendment from the "PF" land use to "O", a Rezoning, a Variance from residential adjacency setbacks, and Site Development Plan Review.
<i>Neighborhood Meeting</i>	
03/14/07	A neighborhood meeting was scheduled in the First Southern Church, Fellowship Hall, 700 E. St. Louis at 5:30pm.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.69 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PF (Public Facilities)	C-V (Civic) Zone
North	Church	PF (Public Facilities)	C-V (Civic) Zone
South	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential) Zone
East	Single Family Homes	L (Low Density Residential)	R-1 (Single Family Residential) Zone
West	Single Family Homes	L (Low Density Residential)	R-1 (Single Family Residential) Zone

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	29,620 SF	NA
Min. Lot Width	60 feet	100 feet	Y
Min. Setbacks			
• Front	25 feet	207 feet	Y
• Side	10 feet	10 feet	Y
• Corner	15 feet	NA	NA
• Rear	15 feet	15 feet	Y
Max. Lot Coverage	30%	19%	Y
Max. Building Height	2 stories of 35 feet, whichever is less	35 feet	N*
Trash Enclosure	Screened & covered	Screened & covered	Y
Mech. Equipment	Screened	screened	Y

Pursuant to Title 19.08.060 the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	105 feet*	15 feet	N
Adjacent development matching setback	15 feet	15 feet	Y
Trash Enclosure	50 feet	91 feet	Y

ANALYSIS

This request for a Variance from the residential setback distance stems from the proposed 35 foot high office building being placed 15 feet from protected property where residential adjacency standards require 105 feet. The 0.69 acre subject parcel is located on the east side of 6th Street, approximately 335 feet south of St. Louis Avenue. The building façade is slightly offset from the rear property line and has two different elevation heights – one 35-foot high northern parapet with an approximate 22-foot rear setback and one 32-foot high southern parapet with a 15-foot rear setback. The greatest affecting plane that intersects the 3:1 residential adjacency setback slope is the 32-foot high parapet. The 32-foot height has an additional 3-foot maximum height added due the change in grade from the western neighboring residential property. This additional height results in a 35-foot building height being located 15 feet from the affected residential property where a 3:1 slope requirement would require a 105-foot setback.

Regarding the layout of the second floor office suites, it is important to note that efforts have been made to protect the visual privacy of the adjacent residential property. The provided floor plans and elevations show office windows placed at six-feet above the second floor level allowing southern light to enter the building while making it difficult to have visual access to the neighboring property. In addition to the high windows, the applicant has also provided ample 24-inch box trees that, when mature, should provide additional screening of the building.

Because this proposal stems from the overbuilding of a narrow lot –thus requiring the applicant to place the building behind the required parking and closer to the residential property- staff recommends denial as different design would potentially avoid the necessity of approving this Variance.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by placing a two-story structure too close to residentially zoned property. An alternative design reducing the overall building size and arranging the building more towards the west would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 312 by City Clerk

APPROVALS 0

PROTESTS 1